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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Von K. McConnell

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09/21/2005

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EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/751,951

Applicant(s)

MCCONNELL ET AL.

Examiner

Ricardo Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 22-34 is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 6,570,871 (Schneider).

Regarding claim 15, Schneider discloses a method for transmitting content to a mobile station via a packet switched network and a circuit switched network (Internet 72 and PSTN 84 in Fig. 2), said method comprising the steps of: receiving first-format content from the circuit switched network (Receiving first format content from PSTN at CO 76 in Fig.2) , the first-format content being content in a first format; packetizing said first-format content into at least one first-format packet (Transcoder 78 in Fig. 2 will provide the appropriate protocol , this being the first format. for transmitting digital voice samples to Gateway 74c) transmitting, via the packet switched network (then transmit them through the Internet col 7 line 67, col 8 lines 1-3), the at least one first-format packet to a coding agent (Transcoder 308 in MSC 62 b in Fig. 2) ; the coding agent

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transcoding the at least one first-format packet into at least one second-format packet, said at least one second-format packet carrying said content in a second format; depacketizing said at least one second-format packet to provide second-format content (signals transmitted to MSC 62b in Fig. 2 that includes Transcoder element 308 , will transcode first format packet to a second format packet, col 14 lines 46-49); and transmitting said second-format content over an air interface to said mobile station (then transmitting over an air interface to MS 70b in Fig 2)

Regarding claim 16, wherein said first format is a TDM format (voice samples are output to interface 74 c in Fig. 2 for transmitting on high speed trunk lines T1 or T3 i.e. TDM, col 8 line 2)

Regarding claim 17, wherein second-format content is voice in a vocoder format (col 9 line 43).

Regarding claim 18, wherein said vocoder format is a code excited linear predictive (CELP) format (col 9 line 43).

Regarding claim 21, applying an orthogonal spreading code to said second format content in said a at least one second format packet (See spreader 182 and spreader 192 in Fig 6A that apply spreading codes to signal. col 13 lines 11-14)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,570,871 (Schneider) in view of US patent No. 5,704,003 (Kleijn)

Schneider does not disclose the vocoder format being a relaxed code excited linear predictive (RCELP) format.

However Kleijn discloses an RCELP coder (Fig. 1)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schneider by providing the RCELP vocoder as disclosed by Kleijn to have an improved speech coding method that makes use of an adaptive codebook delay to be used use in conjunction with another speech methods in the system.

The motivation to do so is to have the system make use of a predictive residual signal to represent the difference between an original speech and a reconstructed speech signal.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,570,871 (Schneider) in view of US patent No. 6,760,602 (Tangorra)

Schneider does not disclose wherein a vocoder format is an enhanced variable rate coder (EVRC) format.

However Tangorra discloses a mobile system with improved control, comprising a vocoder format that is an enhanced variable rate coder (EVRC) format.(col 3 line 8)

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schneider by providing the EVRC coder to have more efficient service options in the system.

The motivation to do so is to obtain a mobile system with an improved vocoding device to be used use in conjunction with another speech methods in the system.

Allowable Subject Matter

Claims 1-8 , 22-29 , 30-34 are allowed.

Examiner's statement of reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

For claim 1, no prior art of record was found for a wireless access gateway for providing access between a base transceiver station BTS and a packet switched network, comprising a Radio Frequency RF manager in communication with a packet agent and used to manage the BTS ; and a signaling control agent in packet communication with the packet agent and used to control the packet agent.

For claim 22, no prior art of record was found a method for using a wireless access gateway that includes a packet agent and a signaling agent comprising the steps of having the packet agent receiving at least one instruction packet from the signaling control agent, the at least one instruction packet use to provide instruction to

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the packet agent to transmit packets containing a specific content from a mobile station MS to a destination address in a packet switched network

Conclusion

7. Allowability of claims 15-20 is hereby withdrawn due to further searching and additional art developed.
 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- US patent No. 6,721,306 discloses a Public Wireless Internet Gateway.
 - US patent No. 5,890,064 discloses a Mobile communication network having an integrated wireless office system.
 - US patent No. 6,490,451 discloses a system for providing packet switched telephony, comprising a WAG element 208.
 - US patent No. 6,594,258 discloses an Integrated Home Location Register and SS& Gateway.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 14, 2005
Ricardo Pizarro



HASSAN KIZOU
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